

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 4 CASES LISTED IN
EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

**DEFENDANTS' NOTICE OF ADOPTION OF PRIOR DAUBERT MOTIONS AND
REPLY BRIEFINGS OF RALPH ZIPPER, M.D. FOR WAVE 4**

Come now, Defendants Ethicon, Inc., Ethicon, LLC and Johnson & Johnson (collectively, "Ethicon"), and hereby move to exclude certain general opinions of one of Plaintiffs' experts, Dr. Ralph Zipper. Defendants adopt and incorporate by reference the *Daubert* motion filed against Dr. Zipper for Ethicon Wave 1, Dkt. Nos. 2068 (motion), 2072 (memorandum in support), and supporting Reply brief, Dkt. 2221, and the Court's Wave 1 ruling with respect to Dr. Zipper. *See* Order, Dkt.. No. 2717; *see also* Dkt. 2418 (Notice of Adoption for Wave 2 Order), 3299 (Notice of Adoption for Wave 3 Order).

Ethicon respectfully requests that the Court exclude Dr. Zipper's testimony, for the

reasons expressed in the Wave 1 briefings. This notice applies to the Wave 4 cases identified in Exhibit A attached hereto.

Respectfully submitted,

/s/Christy D. Jones

Christy D. Jones
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523
christy.jones@butlersnow.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
(304) 414-1807
dthomas@tcspllc.com

COUNSEL FOR DEFENDANTS
ETHICON, INC., ETHICON, LLC AND
JOHNSON & JOHNSON

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 4 CASES LISTED IN
EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

Christy D. Jones
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523
christy.jones@butlersnow.com

/s/ David B. Thomas

David B. Thomas (W. Va. Bar #3731)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
(304) 414-1807
dthomas@tcspllc.com

COUNSEL FOR DEFENDANTS
ETHICON, INC., ETHICON, LLC AND
JOHNSON & JOHNSON

EXHIBIT A

EXHIBIT A

Case Name	Case Number	Product
<i>Christine Benz v. Ethicon, Inc., et al.</i>	2:12-cv-04097	Prolift
<i>Brenda L. (Taylor) Berry, et al. v. Ethicon, Inc., et al.</i>	2:12-cv-04811	Prolift, Prolift+M, TVT Secur
<i>Donna Cisek, et al. v. Ethicon, Inc., et al.</i>	2:12-cv-05521	Proxima
<i>Beverly Jones, et al. v. Ethicon, Inc., et al.</i>	2:12-cv-05555	Proxima
<i>Julie K. Schalk, et al. v. Ethicon, Inc., et al.</i>	2:12-cv-04806	Prolift
<i>Candace Strauss, et al. v. Ethicon, Inc., et al.</i>	2:12-cv-05280	Proxima, TVT Secur, TVT Abbrevio